

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ESTES,

Defendant.

Docket No. 1:15-MJ-125-DLH

**UNOPPOSED MOTION FOR WAIVER OF SPEEDY TRIAL
AND THE RIGHT TO HAVE CHARGES PRESENTED TO GRAND JURY
WITHIN 30 DAYS FROM ARREST ON CRIMINAL COMPLAINT/WARRANT**

Defendant, Michael Estes, by and through undersigned counsel, moves this honorable court to allow him to waive his right to have the charges presented to a grand jury within 30 days of his arrest on a criminal complaint pursuant to 18 U.S.C. § 3161(b). In support of this motion, Mr. Estes states the following:

1. Mr. Estes was arrested on October 7, 2017 and appeared in court for his initial appearance on October 10, 2017. He was appointed counsel and waived his right to a probable cause hearing and a detention hearing, requesting that the latter be continued for cause.
2. Mr. Estes understands that he has a right to have charges presented to a grand jury within 30 days of his arrest on a criminal complaint and warrant. The 30 days in which to present the case to a grand jury expire on or about November 9, 2017.

3. AUSA Thomas Kent, attorney for the government, contacted undersigned counsel and informed her that the investigation is ongoing and he plans to present this case to a federal grand jury sitting in Charlotte, North Carolina the week of November 14, 2017. This date falls beyond the 30 days. He asked undersigned counsel if her client would consider waiving the 30 day requirement. Defense counsel told him that she would speak with her client, and if he did not object to the request, she would file a motion on Mr. Estes' behalf asking that the 30 day requirement be waived, along with any speedy trial considerations for the time requested.
4. After conferring with his counsel, Mr. Estes waives his speedy trial rights under 18 U.S.C. § 3161, as the delay is less than a week long. He agrees that the waiver of the time limits and his speedy trial is in the best interest of justice and would not present a hardship or prejudice either party. His signature below affirms his waiver.



MICHAEL CHRISTOPHER ESTES
Defendant

WHEREFORE, this honorable court is respectfully requested to allow Mr. Estes waive his right to have the charges presented to a grand jury within 30 days of his arrest on a criminal complaint pursuant to 18 U.S.C. § 3161(b).

Dated: October 30, 2017

/s Fredilyn Sison
Fredilyn Sison
NC Bar No. 38732
Assistant Federal Public Defender
Attorney for Defendant
Federal Public Defender for the Western District of
North Carolina
1 Page Avenue, Suite 210
Asheville, NC 28801
(828)232-9992

FAX (828) 232-5575
Fredilyn_Sison@fd.org

CERTIFICATE OF SERVICE

Undersigned counsel certifies that the foregoing UNOPPOSED MOTION FOR WAIVER OF SPEEDY TRIAL AND THE RIGHT TO HAVE CHARGES PRESENTED TO GRAND JURY WITHIN 30 DAYS FROM ARREST ON CRIMINAL COMPLAINT/WARRANT was served on opposing counsel, AUSA Thomas Kent, at Thomas.Kent@usdoj.gov by ECF filing, on this, the 30th day of October, 2017.

/s Fredilyn Sison
Fredilyn_Sison@fd.org